

AF/IFW

Corres. and Mail
BOX AF



RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2838

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor : Kevin I. Bertness	
Appln. No.: 10/681,666	Group Art Unit: 2838
Filed : October 8, 2003	
For : ELECTRONIC BATTERY TESTER WITH PROBE LIGHT	Examiner: Edward H. Tso
Docket No.: C382.12-0169	

SECOND RESPONSE AFTER FINAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING
SENT BY U.S. MAIL, FIRST CLASS, TO THE
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, THIS

6th DAY OF JUNE, 2006

At Rego
PATENT ATTORNEY

Sir:

This is in response to the Office Action dated March 7, 2006. In the Office Action, all pending claims 1-27 were rejected. Applicant respectfully requests reconsideration and allowance of all pending claims.

On Page 2 of the Office Action, claims 1-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bertness (US 6,316,914) in view of Applicant's own admitted prior art.

The Federal Circuit has held that rejecting patents solely by finding prior art corollaries for the claimed elements would permit an Examiner to use a claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention, which would be "an illogical and inappropriate process by which to determine patentability." In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (citing Sensonics, Inc. v. Aerosonic Corp., 81 F.3d 1566,